

UTAH STRATEGIC HIGHWAY PROJECTS

FUND

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Ure

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State Appropriations and Tax Limitation Act and the Transportation Finances Act by creating the Utah Strategic Highway Projects Fund.

Highlighted Provisions:

This bill:

- ▶ creates the Utah Strategic Highway Projects Fund to pay the costs of maintenance, construction, reconstruction, or renovation to state and federal highways;
 - ▶ exempts the Utah Strategic Highway Projects Fund from spending limit provisions;
- and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63-38c-103, as last amended by Chapter 1, Laws of Utah 2005, First Special Session

ENACTS:

72-2-125, Utah Code Annotated 1953



Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-38c-103** is amended to read:

63-38c-103. Definitions.

As used in this chapter:

(1) (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund sources and from non-Uniform School Fund income tax revenues as presented in the governor's executive budgets.

(b) "Appropriation" includes appropriations that are contingent upon available surpluses in the General Fund.

(c) "Appropriations" does not mean:

- (i) debt service expenditures;
- (ii) emergency expenditures;
- (iii) expenditures from all other fund or subfund sources presented in the executive budgets;
- (iv) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in Section 63-38-2.5;
- (v) transfers into, or appropriations made to, the Education Budget Reserve Account established in Section 63-38-2.6;
- (vi) monies appropriated to fund the total one-time project costs for the construction of capital developments as defined in Section 63A-5-104;
- (vii) appropriations made to the Centennial Highway Fund Restricted Account created by Section 72-2-118; ~~[or]~~
- (viii) appropriations made to the Transportation Investment Fund of 2005 created by Section 72-2-124~~[-];~~ or
- (ix) appropriations made to the Utah Strategic Highway Projects Fund created by Section 72-2-125.

(2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt monies by:

- (a) the state's July 1, 1983 population; and
- (b) the fiscal year 1983 inflation index divided by 100.

(3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.

(4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Chapter 4, Laws of Utah 1988, Fourth Special Session.

(5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.

(6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from General Fund and non-Uniform School Fund income tax revenue sources, less debt monies.

(7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63-38c-202.

(8) (a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.

(b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.

(9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of Planning and Budget according to the procedures and requirements of Section 63-38c-202.

(12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.

(13) "Security" means any bond, note, warrant, or other evidence of indebtedness,

whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Section 2. Section **72-2-125** is enacted to read:

72-2-125. Utah Strategic Highway Projects Fund.

(1) There is created a special revenue fund entitled the Utah Strategic Highway Projects Fund.

(2) The fund consists of monies generated from the following revenue sources:

(a) any voluntary contributions received for the construction, major reconstruction, or major renovation of state or federal highways; and

(b) appropriations made to the fund by the Legislature.

(3) (a) The fund shall earn interest.

(b) All interest earned on fund monies shall be deposited into the fund.

(4) (a) The executive director may use fund monies, as prioritized by the Transportation Commission, only to pay the costs of construction, major reconstruction, or major renovation to state and federal highways.

(b) Notwithstanding the provisions of Section 72-1-304, the fund monies may be used to pay the costs of construction, major reconstruction, or major renovation to state and federal highways that are not prioritized through the written project prioritization process under Section 72-1-304.

Legislative Review Note
as of 2-3-06 2:13 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Utah Strategic Highway Projects Fund***10-Feb-06***Bill Number HB0427***12:00 PM*

State Impact

This bill creates the Utah Strategic Highway Projects Fund. Any funds deposited to the fund will be used for highway construction projects. Costs incurred with the projects will be covered by those funds.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst